

State of New Hampshire

By His Excellency

Craig R. Benson, Governor

EXECUTIVE ORDER NUMBER 2004-1

AN ORDER ESTABLISHING THE POLICY OF THE STATE OF NEW HAMPSHIRE WITH RESPECT TO STATE EMPLOYEES THAT ARE MEMBERS OF THE RESERVE OR NATIONAL GUARD AND HAVE BEEN CALLED TO FULL TIME ACTIVE MILITARY DUTY BY THE PRESIDENT OF THE UNITED STATES OR UNDER THE AUTHORITY OF A GOVERNOR

WHEREAS, members of the Reserve Components of Armed Forces of the United States of America have been ordered to active duty by the President of the United States or under the authority of a Governor. The phrase “or under the authority of a governor” shall apply to any employee of the State of New Hampshire who is a member of a Reserve Component and is ordered to active duty under my authority. This phrase shall also apply to any employee of the State of New Hampshire who is a member of a Reserve Component in another state and is ordered to active duty under the authority of the governor of the other state.

WHEREAS, the United States is engaged in military conflicts around the world and as part of these operations certain Reserve units and National Guard units have been, or will be, called to active military duty by the President of the United States; and

WHEREAS, it is appropriate for the State of New Hampshire to support the United States of America and its efforts; and

WHEREAS, a number of employees of the State of New Hampshire who serve in the United States Armed Forces as a part of the Reserve and National Guard have been called to active military duty; and

WHEREAS, the State of New Hampshire supports its employees who are called to active military duty by the President of the United States or under the authority of a Governor to support the efforts of the United States and desires to take steps to help ease the financial burden of those employees who have been called to risk their lives in service of their country; and

WHEREAS, the State of New Hampshire should supplement or replace the wages (in order to keep them whole) of any employee of the State who has been called to active military duty to support the operations of the United States; and

WHEREAS, the State of New Hampshire should maintain health and dental insurance coverage for eligible legal dependents of any employee of the State who has been called to active military duty during their period of service; and

WHEREAS, the State of New Hampshire should continue to make contributions to the New Hampshire Retirement System to ensure that any employee of the State who have been called to active duty shall continue to earn creditable service throughout their period of service; and

WHEREAS, at my request, the Labor Management Committee passed a resolution supporting the provision of benefits outlined in this Executive Order to those employees who are called to active duty by the President of the United States or under the authority of a Governor as members of the Reserve or National Guard.

NOW THEREFORE, I, CRAIG R. BENSON, GOVERNOR OF THE STATE OF NEW HAMPSHIRE, by the authority vested in me by Part II, Article 41 of the New Hampshire Constitution, do hereby order that:

1. Employees of State of New Hampshire who are currently on active or are called to full time active duty by the President of the United States or under the authority of a Governor as members of the Reserve or National Guard while on such active military duty to support the United States shall be entitled to special leave with partial pay for an additional period of 18 months, not to exceed the length of active duty status, beginning March 21, 2004. Partial pay shall be the difference in the employee's regular state salary and the employee's full time military salary. The provisions of this Executive Order shall apply to all State employees that have been called or are later called to such active military duty to respond to the conflict in Iraq, or other current ongoing conflicts throughout the world.
2. The Adjutant General is hereby directed to provide to the Department of Personnel a list of all members of the National Guard so affected and their respective salaries, and other reserve component units are encouraged to voluntarily provide the same information.
3. It is the policy of this Administration that said employees shall remain state employees while on such active military duty for the purpose of seniority and accruing retirement time. Provided, however, earnable compensation and retirement benefits shall not be increased or decreased by any partial payment made pursuant to this Executive Order but shall be computed as if no call to active military duty had occurred.
4. All entities of state government, including those not under the direct jurisdiction of the Executive branch, are hereby encouraged to support state employees called to active military duty by the President of the United States as a member of the Reserve or National Guard.

Given at the Executive Chambers in Concord this 9th day of March, in the year two thousand and four.

GOVERNOR OF NEW HAMPSHIRE